

February 28, 2005

CERTIFIED MAIL

Terry Llewellyn
Sun Opta
1124 East 5th Street
Omak, WA 98841

Dear Mr. Llewellyn:

**RE: Notice of Temporary State Waste Discharge Permit No. ST-9253
for Sun Opta, Effective February 6, 2005**

Your application for State Waste Discharge Permit No. ST-9253 for Sun Opta, was received by this office on September 20, 2004. It was reviewed and accepted as complete on December 13, 2004.

A Public Notice of Application was published on December 29, 2004 and January 5, 2005, in the Omak-Okanogan Chronicle and the public comment period ended February 5, 2005, with no comments being received.

Given our limited resources, we are unable to process your application at this time. **RCW 90.48.200 states, "In the event of failure of the Department to act upon an application within sixty days after it has been filed, the applicant shall be deemed to have a temporary permit. Said permit shall authorize the applicant to discharge waste into waters of the State as requested in its application only until such time as the Department shall have taken action upon said application."**

Therefore, as RCW 90.48.200 and WAC 173-216-090 provide, your new Temporary Permit became effective February 6, 2005, the day following completion of the public notice comment period. It will remain in force for up to five years or until further notice by the Department, whichever occurs first. The Department has started writing a full permit for your facility. The permit writer assigned to write your permit is Rich Marcley. He will be contacting you to discuss any changes in operation and to do a site visit.

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Your temporary permit consists of the permit application and all appendices submitted with it. Compliance with the application and the appendices will constitute compliance with the temporary permit.

This authorization does not allow you to discharge pollutants not specified in your application and attachments or in quantities exceeding those specified in your application or appendices, or in quantities exceeding those specified. You are also required to comply with all water pollution laws and regulations. A new application is required in five years.

Under the Model Toxics Control Act, codified as RCW 90.48.465, Ecology is required to recover the cost of the Water Quality Permit Program. Ecology has adopted a regulation (Chapter 173-224 WAC) establishing annual permit fees for all municipal/domestic and industrial wastewater discharge permit holders. Your Temporary Permit is subject to this fee.

Your permit fee is subject to the fee schedule in Chapter 173-224 WAC, Fee category: Food Processing; Subcategory: b. 1,000 - < 10,000 gpd. The year 2005 fee is \$901.00. Permit fee billing will be in a separate mailing from the Ecology Fee Unit.

If you have any questions or need assistance, please feel free to contact Dave Holland, your permit manager at 509/575-2434.

Sincerely,

G. Thomas Tebb, L.E.G.
Section Manager
Water Quality Program

GTT:

c: Bev Poston, Ecology-Olympia
Joe Ortiz, Ecology-Yakima
Dave Holland, Ecology-Yakima
Cindy Huwe, Ecology-Yakima